

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

Kenneth H. Hart

v.

Civil No. 11-cv-002

New Hampshire State Prison, et al.

**O R D E R**

On January 11, 2011, the Court received Hart's untitled request (doc. no. 5) asking the Clerk to send him the original documents he filed in this matter, or copies thereof. Alternatively, Hart asks the Court to "close the file" and return the documents he has filed to him. It is unclear whether Hart seeks only a copy of the documents he has filed, or seeks also to voluntarily dismiss this case.

To the extent the motion seeks copies of documents filed, it is GRANTED. The Clerk's Office is directed to send Hart copies of all of the documents he has filed in this matter (doc nos. 1, 4, and 5). To the extent the motion seeks to dismiss this action, it is DENIED at this time. If Hart seeks to voluntarily dismiss this case, without prejudice, he must file a notice clearly articulating that intent. See Fed. R. Civ. P. 41(a)(1)(a) (plaintiff may dismiss action without court order by filing a notice of dismissal before complaint is answered) and

41(a)(1)(b) (unless the notice states otherwise, a voluntary dismissal is generally a dismissal without prejudice).

**SO ORDERED.**



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Landya B. McCafferty  
United States Magistrate Judge

Date: January 13, 2011

cc: Kenneth H. Hart, pro se